

ENCLOSURE C
SPECIAL CONDITIONS ON CALIFORNIA'S FFY 2004 PART B GRANT AWARDS

I. Nature Of The Special Conditions

The State, at the request of the Department, will provide reports detailing the steps it has taken to comply with the requirements of Part B, as amended by the IDEA Amendments of 1997, including steps taken by California Department of Corrections (CDC), CDE, or both, as appropriate, to locate, identify, evaluate, and provide special education services to eligible youth with disabilities in adult correctional facilities, consistent with the requirements of the IDEA Amendments of 1997.

II. The Department's Reasons for Imposing the Special Conditions

Due to the State's long-standing failure to comply with the requirements of Part B of the IDEA, in Federal Fiscal Year (FFY) 2003, the Department designated California as a high-risk grantee, and imposed Special Conditions pursuant to 34 CFR §80.12. The Department's prior actions were based, in part, upon CDC's failure to ensure that a free appropriate public education is available to eligible inmates with disabilities in adult correctional facilities consistent with the requirements of the IDEA Amendments of 1997.

This Special Condition is a continuation of the prior condition that applied to CDC. In its 1996 Monitoring Report, OSEP found that California was not making special education services available to eligible youth with disabilities in any of California's adult correctional facilities. The 1996 Monitoring Report required that the State take corrective action. Last year's Special Conditions contained a provision regarding this requirement. To date, OSEP does not have any data indicating that CDC has ensured that a free appropriate public education is made available to all eligible youth with disabilities in adult correctional facilities. Therefore, this Special Condition remains appropriate under 20 U.S.C. §1412(a)(11) and 34 C.F.R. §300.600.

III. The Corrective Actions That Must be Taken Before These Special Conditions Will be Removed and the Time Allowed for Completing the Corrective Actions

Full compliance with the Special Condition set forth at I, above, must be achieved within thirty days of any such request. The Department will remove the above-referenced Special Condition, if at any time prior to June 30, 2005, the State provides documentation, satisfactory to the Department, that it has fully met the reporting conditions of Section I and that a free appropriate public education is made available to all eligible youth with disabilities in adult prisons consistent with the requirements of the IDEA Amendments of 1997.

IV. The Method of Requesting Reconsideration of the Special Conditions

The State may write to Dr. Troy Justesen, designated to act as the Assistant Secretary for the Office of Special Education and Rehabilitative Services (OSERS), if it wishes the Department to reconsider any aspect of this Special Condition. Any request of this sort should describe in detail the changes to the Special Condition sought by the State and the reasons for those requested changes.